



**Austin City Council
MINUTES
For**

FEBRUARY 7, 1991

MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

1. Approved Minutes for Regular Meeting of January 31, 1991 and Special Called Meeting of January 29, 1991

On Councilmember Epstein's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Ms. Patricia Wentworth discussed teen pregnancy and teen parenting issues.
3. Mr. Tim Hamblin discussed recent developments in cable TV issues.
4. Mr. David Elliott discussed current City issues.
5. Mr. Richard Trachtenberg to discuss current City issues. Was not present.
6. Mr. Roger L. Duck discussed current City issues.
7. Mr. Leonard Lyons to discuss current City issues. Was not present.
8. Ms. Sunny Graham read the Austin Commission for Women's Resolution on parental care.

1:30 P.M. BOARD AND COMMISSION REPORTS

9. Regional Urban Design Assistance Team (RUDAT) - Report and status on implementation activities.

Report presented by Ms. Nan McRaven and Dr. Lewis Wright.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve the release of approximately 4.972 acres of the City of Austin's extraterritorial jurisdiction to the City of Pflugerville's jurisdiction. (Continued from January 24, 1991).

Postponed indefinitely.

11. Approved second reading of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 4411 Spicewood Springs Road, Case No. C814-90-0001, from "SF-3" to "PUD" Planned Unit Development, LARRY PEEL, by Land Strategies, Incorporated. First Reading: November 29, 1990; Vote 4-2-1, Councilmembers Epstein and Nofziger voted No, and Councilman Barnstone abstained. (Public Hearing held November 29, 1990 - No Citizen Sign Up)

On Councilmember Larson's motion, Mayor Cooke's second, 4-2 Vote, Councilmembers Nofziger and Epstein voted No, Councilmember Barnstone was out of the room.

12. Consider an Ordinance establishing rules of order for meetings of the Austin City Council. (Councilmember Michael "Max" Nofziger) [Continued from January 24, 1991].

Motion

Councilmember Nofziger made a motion, seconded by Councilmember Carl-Mitchell to approve the ordinance.

Friendly Amendment

Councilmember Carl-Mitchell offered a friendly amendment to delete Parts 2 and 3 having to do with meetings being conducted by Robert's Rules of Order; and designating the City Attorney or her designee as parliamentarian at all meetings of the City Council. The amendment was accepted.

Friendly Amendment

Councilmember Carl-Mitchell offered a friendly amendment to add (to Part 5) "this limit shall not include Citizens' Communication and posted public hearings" and after the final sentence, add, "one citizen may give time to another citizen provided that the citizen giving the time is present at the meeting". The amendments were accepted.

Friendly Amendment

Councilmember Carl-Mitchell offered a friendly amendment: "last part of Part 5 add the sentence, Councilmembers by majority vote may suspend or alter this section on any agenda items". The amendment was accepted.

After considerable discussion, Mayor Cooke said he would like to divide the motion.

Motion on Item 4 - Time of Adjournment - FAILED

3-4 Vote, Mayor Pro Tem Urdy, Councilmembers Barnstone, Epstein and Larson voted No.

Motion on Item 5 As Amended - Citizens Comments - FAILED

2-5 Vote, Mayor Cooke, Mayor Pro Tem Urdy, Councilmembers Barnstone, Epstein and Larson voted No.

Motion on Item 6 - Items from Council - FAILED

3-4 Vote, Mayor Pro Tem Urdy, Councilmembers Barnstone, Epstein and Larson voted No.

13. Appointment of a Citizens Task Force to address the redevelopment of Robert Mueller Municipal Airport (RMMA). [Mayor Lee Cooke] [Continued from January 17, 1991].

Postponed

ORDINANCES

14. Approved second/third reading authorizing Fern Bluff MUD to issue district bonds not to exceed \$1,500,000 for reimbursement of expenses associated with the construction of an offsite 16" water line and internal water, wastewater and drainage improvements, a share of a 1.5 million gallon water tank, and a wastewater approach main.
15. Accepted a grant from the Texas Department of Health for Home and Community Based HIV Health Services, amending the Health and Human Services Department 1990-91 Operating Budget by \$159,105 and expense refunds by the same amount, and approving subcontracts with AIDS Services of Austin in the amount of \$62,988, and Community Action in the amount of \$11,570.

#14-15 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, (#14, 5-1 Vote, Councilmember Epstein voted No, Councilmember Barnstone out of the room. #15 6-0 Vote, Councilmember Barnstone out of the room.)

16. Amended the Health and Human Services Department 1990-91 Operating Budget to accept a grant extension in the amount of \$20,000 from the American Foundation for AIDS Research (AmFAR), and increase expenses by \$20,000 and expense refunds by the same amount.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room.

17. Approved an ETJ adjustment that will allow 2.7 acres of Austin's ETJ to be released to the City of Round Rock.

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 5-1-0 Vote, Councilmember Epstein voted No, Councilmember Barnstone out of the room. (This was part of the consent motion re Ordinances.)

40. Consider an ordinance placing a proposition on the May 4, 1991 ballot to authorize conveyance of approximately 8.1 acres of parkland at 4621 Spicewood Springs Road (Spicewood Springs Park) in exchange for no less than 14 acres of nearby land to be use for park purposes. (Councilmember Larson)

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-1-0 Vote, Councilmember Nofziger voted No, Councilmember Barnstone out of the room.

3:00 P.M. - ELECTRIC UTILITY (Items 18 - 27)

18. Electric Utility Commission Report
No report.

19. Resource Management Commission Report

Ken Altes gave the report.

20. Monthly Management Report (Fiscal, Operations, Fuel)

John Moore, Director of Electric Utility, gave the report.

21. Monthly Utility Receivable Report

Director of Finance Betty Dunkerly gave the report.

22. Waste to Energy Project Evaluation

Report was given by John Moore.

23. Approved a contract award to TOWER NETWORK SERVICES, 2261 Crown Road, Dallas, Texas, for the restoration of three historic Moonlight Towers, in an amount not to exceed \$235,130. (\$171,720 included in Electric Utility C.I.P. Fund 316-117-2982 and \$63,410 included in Austin Convention Center C.I.P. Fund 494-827-2000). Low bid of three (3) bids. 0% M/WBE Subcontractor Participation. The prime did not identify any subcontracting opportunities. Reference File No. 910072-3RW

24. Approved a contract award to COMMINT, INC., 11511 Katy Freeway, Suite 635, Houston, Texas, for the purchase of a Project Management Control System for major transmission and distribution projects, in an amount not to exceed \$57,690. (Funding included in Electric Utility Operations & Maintenance Fund 501-110-1303). Low bid of two (2) bids. 0% M/WBE Subcontractor Participation. The prime did not identify any subcontracting opportunities. Reference File No. 910083-3AB

25. Approved an Interlocal Agreement between the City of Austin and the Texas Parks and Wildlife Department to provide hydrilla control treatment at Lake Walter E. Long in an amount not to exceed \$50,000. (Funding included in Electric Utility fund No. 501-110-2275).
26. Approved a Supplemental Amendment to the Professional Services Agreement between the City of Austin and the JOINT VENTURE OF BURY & PITTMAN, INC./NORTHERN ENGINEERING, INC., Austin, Texas, for additional professional engineering services for the Decker Creek Power Station Natural Gas Pipeline project in the amount of \$125,000. (Funding included in C.I.P. Project No. 317-517-5855). [Total cost to date has been \$92,000 for route selection and preliminary engineering - Cost for completing the project is currently estimated at \$3.5 million which includes final engineering, materials procurement and construction.]
27. Approved the execution of agreements with the law firms of HAYNES & BOONE and FULBRIGHT AND JAWORSKI to represent the City of Austin in the City of San Antonio et al., vs. Westinghouse Electric Corporation, et. al Case No. 90-S-0648-C in the 130th Judicial District Court, Matagorda County, Texas, in an amount not to exceed \$167,000. (Funding included in Electric Utility Operating Fund.)

¶23-27 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote.

RESOLUTIONS

Community Development Block Grant (Items 28-29)

28. Reprogrammed \$419,000 in unprogrammed 14th Year Community Development Block Grant (CDBG) funds to the 16th Year CDBG Program for new projects.
29. Set a public hearing to discuss amending the 16th Year Community Development Block Grant (CDBG) Program by allocating \$419,000 in unprogrammed funds. Date and time: February 21, 1991 at 6:00 p.m.

¶28-29 on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

30. Approved execution of a twelve (12) month contract with DATAMATIC, INC., 2121 North Glenville Dr., Richardson, Texas, for maintenance and service of customer utility meter reading equipment in an amount not to exceed \$40,512. (Funding included in the FY 1990-91 Operating Budget of the Utility Customer Service Office). Sole source. 0% M/WBE Subcontractor participation. Reference No. RX7500001220
31. Approved a Construction Contract Award to J.C. EVANS CONSTRUCTION COMPANY, Austin, Texas, for MoPac Transmission Main, Phase II-Braker Lane to Duval Road; (Burnet Road-FM 1325 Water Main Improvements), in the amount of \$1,497,434.50. (Funding included in CIP No. 378-227-0553 [Water Fund]). Low bid of six (6) bids. 4.70% MBE, 1.74% WBE Subcontractor participation.

¶30-31 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Barnstone out of the room.

32. Approved an Interlocal Cooperative Agreement with Travis County for Cooperative Purchasing of fleet equipment, supplies and services. (No funding is presently required - Contracts under this agreement will be funded upon approval).
- On Councilmember Epstein's motion, Councilmember Nofziger's second, 7-0 Vote.
33. Set a public hearing to approve a 2.239 acre drainage easement and temporary construction easement through Northwest District Park in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. Date and time: February 28, 1991 at 5:30.
- On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Barnstone out of the room.
41. Approved initiating a proposed rezoning for property at and near 4411 Spicewood Springs Road (including Spicewood Springs Park) to "PUD" and "P" zoning districts.
- On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-1-0 Vote, Councilmember Nofziger voted No, Councilmember Barnstone out of the room.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

34. 4:30 P.M. - Levy Assessments for Braker Lane.
- Continue to April 11, 1991 at 4:30 P.M.
On Councilmember Barnstone's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Nofziger out of the room.
35. 5:00 P.M. - Amend Section 13-5-84 of the Land Development Code, providing for administrative approval of modification of driveway access of certain properties subject to right-of-way condemnation.
Public hearing closed and amendment approved, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

ITEMS FROM COUNCIL

36. Adopted an amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the support category: Amend Section 775.019 Subsection C of the Health and Safety Code to strike the word "nonconsenting" so that the sentence would read "If a municipality annexes territory in the proposed district, the board shall, after notice, immediately disannex the area from the district and shall cease to provide further services to the residents of that area. (Legislative Subcommittee)
- On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.
37. Approved an Ordinance amending Section 2 of the Airport Advisory Board Ordinance No. 841213-0 by reducing the number of members of said board from eleven (11) to nine (9). (Councilmember Louise Epstein)
- On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone out of the room.

38. Approve an Ordinance that requires all ordinances placed on the City Council agenda to be sponsored by a Council member. (Councilman Robert Barnstone)

Postponed, date to be determined later.

39. APPOINTMENTS

Airport Advisory Board - 9

Dr. Gordon Bennett
Ms. Patricia Berg
Mr. Brad Ellis
Ms. Rita J. Harris
Mr. Willie Lewis
Mr. Bob Miller
Col. Kenneth Shaw
Mr. Villiam Wilson
Ms. Diana Zuniga

Arts Commission - 7

Mr. William Averbach
Mrs. Maxine Barkan
Mr. Edmond Burt
Ms. Marilyn Good
Dr. H. Sutton
Ms. Sharon Watkins

Board of Adjustment - 5 (3 Regular; 2 Alternates)

Mr. Fred Ebner
Mr. George Harvey
Ms. Sylvia Herrera
Mr. Jim Nix - Alternate
Mr. Hans Herman Thun - alternate

Human Rights Commission - (3)

Mr. Mack Deleon Jr.
Mr. Willie Ramirez
Ms. Gloria Whitehead

Parks and Recreation Board - 6

Mr. Ron Cartlidge
Mr. James Crump
Ms. Ermalinda Cruz-Torres
Mr. Phil Friday Jr.
Mr. Charles Gandy
Mr. Fred Lewis

Urban Forestry Board - 2 with Professional Experience; 3 Citizens

Ms. Stephanie Caldwell

Ms. Rhonda Genzink

Mr. Kurt Jobe

Mr. Guy Leblank

Mr. Royal Masset

ADJOURN

The meeting was adjourned at 5:30 P.M.